

DEPARTMENT 63 POLICIES AND PROCEDURES

[EFFECTIVE MARCH 19, 2004]

Honorable Kevin A. Enright, Presiding

Department 63 Staff

Bailiff:	Kevin Moehling
Court Clerk:	Mary Ann Ybanez
Calendar Clerk:	Robin Smith
Staff Attorney:	Erin Ferguson
Reporter:	Donna Foster

Phone Numbers:	Courtroom	685-6064
	Calendar	685-6021

1 Conformity with Local Rules Unless otherwise indicated herein, Department 63 adheres to the San Diego Superior Court Local Rules, Division II.

2 Calendars

2.1 General. Counsel are expected to be on time for all scheduled hearings. If for any reason, you find you will be late for an appearance, please contact this department in advance at 685-6064.

2.2 Ex Parte. Ex Parte appearances are by reservation only on Monday, Tuesday, Wednesday, and Thursday at 8:30 a.m. Counsel may obtain reservations by contacting the Calendar Clerk at 685-6021. Please note that there is a daily limit to the number of ex parte reservations issued. If you find that you will not be appearing after reserving your date, please contact the department to cancel. Parties must provide ex parte pleadings in compliance with CRC Rule 379 with every ex parte application. Ex Parte papers are to be filed by 2:00 p.m. the day before the hearing.

2.3 Case Management Conferences. CMC's are scheduled on Fridays between 9:30 a.m. and 10:30 a.m. and at such other times as the Court may designate. This Department sets each case up for a CMC approximately 150 days after filing of the complaint. It is the duty of Plaintiff's counsel to notify all parties of the date and time of the CMC.

2.3.1 Case Management Conference Statement. Department 63 requires a Case

Management Statement fifteen (15) court days prior to the hearing. Department 63 requires a Case Management Statement as indicated in CRC212(c) utilizing form CM-110.

2.4.1 Rescinded.

2.4.2 Moved to Section 7

2.5 Joint Trial Readiness Conferences. All trial readiness conferences are scheduled on Fridays at 9:00 a.m. and at such other times as the Court may designate. Pursuant to the local rules, counsel shall bring the Joint Trial Readiness Conference Report to the hearing. A copy of the Advance Trial Review Order is available in Department 63.

2.6 Trial Call. Friday at 8:30 a.m. and at such other times as the Court may designate.

2.7 Trials. Monday through Thursday, 9:30 a.m. until 12:00 noon and 1:30 p.m. until 4:30 p.m., unless otherwise ordered.

3 Law and Motion

3.1 Reservations Required. This department hears motions by reservations only. Counsel must reserve a date for each motion to be filed, by contacting the Calendar Clerk at 685-6021. Counsel will be given the first available hearing date.

3.2 Tentative Rulings. This department issues tentative rulings pursuant to CRC Rule 324. Counsel may obtain tentative rulings by calling 531-3690 after 3:30 p.m. on the day immediately preceding the noticed hearing date. The tentative rulings are also available on the internet at <http://www.sandiego.courts.ca.gov/superior>. If neither party appears on the date and at the time noticed for the hearing, the tentative ruling shall be adopted as the final ruling of the Court. Parties wishing to argue before the Court must appear on the date and at the time noticed for the hearing.

3.3 Discovery Motions. Prior to the filing of a discovery motion, the Court requests counsel to appear ex parte in this department to seek leave to file.

3.4 Motions/Applications for Good Faith Settlement. A proposed order must accompany an application for Good Faith Settlement pursuant to CCP § 877.6(a)(2). The order should state “This determination bars any other joint tortfeasor or co-obligor from any further claims against the settling parties for equitable comparative contribution or partial or comparative indemnity based on comparative negligence or comparative fault.” The application and order will be held the requisite 25 days, and if no motion in opposition to the application for good faith settlement is filed, the order will be signed and processed. The clerk will return a conformed copy of the application at the time of filing only if counsel provides two messenger-slips or self-addressed stamped envelopes. Otherwise,

the clerk will return conformed copies of the application with the order signed by the judge after the 25-day period has elapsed.

- 4 Orders** The Court’s minute order is the final order of the Court. No further order need be prepared unless the Court directs counsel to prepare and submit an order.

5 Stipulations

- 5.1 Filing Required.** This Court adheres to the time limits as set forth in the Code of Civil Procedure regarding the time in which to answer, demur, cross-complaint, etc. Stipulations to extend statutory time to respond must be in writing and filed with this Court in order to be effective.

- 5.2 Approval Required.** No procedure or deadline or date established by this Court may be modified, extended or avoided by stipulation or agreement of the parties or counsel, unless the stipulation is approved by this Court in advance of the date sought to be altered. Stipulations to extend discovery cut-off dates should contain the following language:

“This order shall not form the basis to extend any other cut-off dates, to add any new parties, causes of action or defenses, or to continue the trial date.”

6 Judgments/Prove-ups

- 6.1 Default Judgment.** This department will entertain plaintiff’s request for a default judgment only when there are no other active defendants in the case. Where an oral prove-up is required for a default judgment, counsel are to call the calendar clerk to request a hearing date. Affidavits and other declaration submitted in support of entry of default must be submitted on declarations pursuant to CCP § 585(d) five court days prior to the hearing.
- 6.2 Judgments.** The prevailing party at trial or after should prepare a judgment and submit it to opposing counsel for approval as to form and content before submitting it to the court for the Judge’s signature. Judgments that do not conform to the requirements of the Civil Code and Code of Civil Procedure will be returned.
- 6.3 Attorneys Fees.** Any request for attorney’s fees as costs to be added in a final judgment must be supported by declaration or noticed motion. See CCP § 1033.5(c)(5) and CRC Rule 870.2.

7 Construction Defect Cases

- 7.1 E-file.** A construction defect action may be designated as an Electronic Filing Case and assigned to the electronic filing and service system created by a Service Agreement

executed on August 13, 1999 between CourtLink, fna JusticeLink, and the Superior Court of San Diego or any successor system. If so designated, an Electronic Filing and Service Order will be entered detailing all necessary requirements.

- 7.2 Case Management Order.** Unless otherwise ordered, counsel are to prepare a Case Management Order utilizing the standardized Case Management Order available with the court.
- 7.3 Naming new parties.** The CMO is to designate a date by which all new parties are to be named.